

STATE OF INDIANA) IN THE ELKHART _____ COURT
) SS:
COUNTY OF ELKHART) CAUSE NO: _____

MERLE SATER and CINDY SATER
Plaintiffs,
v.
REPUBLIC SERVICES OF INDIANA
TRANSPORTATION, LLC,
REPUBLIC SERVICES, INC and
TRAVIS OTTBRIDGE.
Defendants.

COMPLAINT FOR DAMAGES AND REQUEST FOR JURY TRIAL

Come now Plaintiffs, Merle and Cindy Sater, by counsel, and for their claims against Defendants Republic Services of Indiana Transportation, LLC, Republic Services, Inc., and Travis Ottbridge allege and state as follows:

I. PARTIES

1. At all times relevant herein, Merle and Cindy Sater were husband and wife and citizens of Elkhart, Elkhart County, Indiana.
2. At all times relevant herein, Defendant Republic Services of Indiana Transportation, LLC was a corporation organized and existing under the laws of the State of Indiana with a principal place of business located in Indianapolis, Indiana.
3. At all times relevant herein, Defendant Republic Services, Inc. was a corporation organized and existing under the laws of the State of Arizona with a principal place of business located in Phoenix, Arizona. Defendants Republic Services of Indiana Transportation, LLC and Republic Services, Inc. will be referred to collectively herein as “Defendant Republic Services.”

4. At all times relevant herein, Defendant Travis Ottbridge was a citizen of Mishawaka, St. Joseph County, Indiana and employed by Defendant Republic Services.

II. JURISDICTION AND VENUE

5. The Court has jurisdiction over the subject matter of this action and over the parties to this lawsuit. Venue is proper in Elkhart County because the motor vehicle crash giving rise to this action alleged herein occurred in Elkhart County.

III. FACTS

6. At all times relevant herein, County Road 20 East was a road running generally in an east/west direction through Elkhart County, Indiana.

7. The crash which is the subject of this lawsuit occurred on County Road 20 E near its intersection with County Road 1 in Elkhart County, Indiana.

8. On August 3, 2021, at approximately 3:07 p.m., Defendant Travis Ottbridge was negligently operating a garbage truck owned by Defendant Republic Services (“Republic garbage truck”), while in the course and scope of his employment with Defendant Republic Services, eastbound on County Road 20 E approaching its intersection with County Road 1

9. At approximately the same place and time, Merle Sater was lawfully operating his Ford F150 ahead of Defendant Ottbridge in the eastbound lane of County Road 20 E and had slowed to a stop at its intersection with County Road 1 to wait for traffic to clear in order to make a left turn onto County Road 1.

10. At approximately the same place and time, Defendant Ottbridge failed to maintain a sufficient following distance, failed to maintain a proper lookout, failed to maintain proper control of the Republic garbage truck and was otherwise negligent which caused Defendant Ottbridge to violently strike the rear of Melre Sater’s stationary Ford F150 with the Republic garbage truck (“crash”).

11. As a direct and proximate result of the crash caused by Defendants' negligent actions and omissions as set forth herein, Merle Sater was seriously and permanently injured and his wife, Cindy Sater, has permanently lost Merle's support, services, and companionship.

COUNT I
NEGLIGENT OPERATION OF REPUBLIC GARBAGE TRUCK

12. Plaintiffs incorporate by reference all preceding paragraphs and allegations of this Complaint as though fully set forth herein.

13. At all times relevant herein, Defendant Ottbridge owed a duty to exercise reasonable care in his operation of the Republic garbage truck.

14. At all times relevant herein, Defendant Ottbridge failed to exercise ordinary care and breached his duty of care in his operation of the Republic garbage truck.

15. At all times relevant herein, Defendant Ottbridge was negligent for, among other reasons:

- (a) Failing to operate the Republic garbage truck in a safe and reasonably prudent manner;
- (b) Following too closely in violation of Indiana Code § 9-21-8-14;
- (c) Failing to maintain a proper lookout;
- (d) Failing to maintain control of the Republic garbage truck;
- (e) Speeding;
- (f) Driving at an unreasonable and reckless rate of speed under the circumstances;
- (g) Driving in a negligent manner; and
- (h) Other negligent and reckless acts and/or omissions.

16. As a direct and proximate result of the crash, Defendant Ottbridge was cited, charged, and found to have operated the Republic garbage truck too closely to Merle Sater's Ford F150 in violation of Indiana Code § 9-21-8-14.

17. Some or all of Defendant Ottbridge's negligent acts or omissions were violations of Indiana statutes, ordinances, and/or federal regulations that were designed to protect the class of persons in which Plaintiff Merle Sater was included, against the risk of harm which occurred as a result of the violations and, therefore, constitute negligence *per se* under Indiana law including, without limitation, Indiana Code § 9-21-8-14.

COUNT II
RESPONDEAT SUPERIOR

18. Plaintiffs incorporate by reference all preceding paragraphs and allegations of this Complaint as though fully set forth herein.

19. At the time of the crash, Defendant Ottbridge was acting in the course and scope of his employment with Defendant Republic Services.

20. Pursuant to the doctrine of respondeat superior, Defendant Republic Services is vicariously liable to Plaintiff for Defendant Ottbridge's negligent acts and omissions as set forth herein.

COUNT III
NEGLIGENT ENTRUSTMENT AND MAINTENANCE

21. Plaintiffs incorporate by reference all preceding paragraphs and allegations of this Complaint as though fully set forth herein.

22. At all times material herein, Defendant Republic Services had a duty to exercise reasonable care in its entrustment of the Republic garbage truck to Defendant Ottbridge.

23. Defendant Republic Services failed to exercise ordinary care and breached its duty of care in its entrustment of the Republic garbage truck to Defendant Ottbridge.

24. Defendant Republic Services knew, or should have known, that Defendant Ottbridge had a history of operating motor vehicles negligently, recklessly, and without due regard for the motoring public and was incapable operating the Republic garbage truck with due care.

25. At all times material herein, Defendant Republic Services was negligent for, among other reasons, entrusting the Republic garbage truck to Defendant Ottbridge, despite its actual and specific knowledge at the time of the entrustment of Defendant Ottbridge's inability to exercise due care in his operation of the Republic garbage truck.

26. Defendant Republic Services' negligent entrustment of the Republic garbage truck to Defendant Ottbridge was a proximate cause of the crash and Plaintiffs' injuries and damages.

27. At all times material herein, Defendant Republic Services had a duty to exercise reasonable care in the maintenance of the Republic garbage truck.

28. At all times material herein, Defendant Republic Services failed to exercise reasonable care in its maintenance of the Republic garbage truck which was a proximate cause of the crash and Plaintiffs' injuries and damages.

WHEREFORE, Plaintiffs, Merle Sater and Cindy Sater, by counsel, seek judgment against the Defendants, Republic Services of Indiana Transportation, LLC, Defendants Republic Services, Inc and Travis Ottbridge and each of them, in an amount commensurate with the losses and damages sustained in order to fairly and adequately compensate Plaintiffs for the damages incurred, the costs of this action, prejudgment interest, and for all other relief just and proper in the premises.

REQUEST FOR JURY TRIAL

Come now Plaintiffs, Merle Sater and Cindy Sater, by counsel, and hereby request trial by jury.

Respectfully submitted,

STEPHENSON RIFE, LLP

/s/ M. Michael Stephenson

M. Michael Stephenson, Atty. No. 1824-73

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